

# EXHIBIT A

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
3 ANTHONY BARASKY, :  
4 Plaintiff :  
5 vs. :  
6 KEVIN DENT, TYSON HAVENS, : CASE NO. 4:21-CV-02041  
7 JOSHUA BELL, CLINTON :  
8 GARDNER, CHRISTOPHER :  
9 KRINER, JOSEPH HOPE, :  
10 LYCOMING COUNTY, OLD :  
11 LYCOMING TOWNSHIP, and :  
12 CITY OF WILLIAMSPORT, :  
13 Defendants :  
14  
15 Deposition of: TYSON HAVENS  
16 Taken by : Plaintiff  
17 Before : Ervin S. Blank  
18 Reporter-Notary Public  
19 Beginning : March 22, 2024; 11:50 a.m.  
20 Place : McCormick Law Firm  
21 835 West Fourth Street  
22 Williamsport, Pennsylvania  
23  
24 COUNSEL PRESENT:  
25 LEONARD GRYSKEWICZ, JR., ESQUIRE  
Lampman Law  
2 Public Square  
Wilkes-Barre, Pennsylvania 18701  
For - Plaintiff

1 COUNSEL PRESENT: (CONTINUED)  
2 AUSTIN WHITE, ESQUIRE  
McCormick Law Firm  
3 835 West Fourth Street  
Williamsport, Pennsylvania 17701  
4 For - Defendants Kevin Dent and Tyson Havens  
5 SHAWNA R. LAUGHLIN, ESQUIRE  
William J. Ferren & Associates  
6 P.O. Box 2903  
Hartford, Connecticut 06104-2903  
7 For - Defendants Joshua Bell, Clinton Gardner  
and City of Williamsport  
8 MARK J. KOZLOWSKI, ESQUIRE  
Marshall Dennehey  
9 P.O. Box 3118  
Moosic, Pennsylvania 18507  
10 For - Defendants Old Lycoming Township,  
11 Joseph Hope and Christopher Kriner  
12  
13  
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1 INDEX TO WITNESSES  
2 TYSON HAVENS DIRECT CROSS REDIRECT RECROSS  
3 Examination by:  
4 Mr. Gryskewicz 4 -- --  
5 Mr. White -- 51 -- --  
6  
7  
8  
9  
10  
11  
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13 INDEX TO EXHIBITS  
14 FOR - PLAINTIFF MARKED ADMITTED  
15 Plaintiff's Exhibit No. 1 24 --  
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21  
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1 STIPULATION  
2 It is hereby stipulated by and between  
3 counsel for the respective parties that signing,  
4 sealing, certification and filing are hereby waived;  
5 and that all objections except as to the form of the  
6 question are reserved to the time of trial.  
7 \* \* \*  
8  
9  
10 TYSON HAVENS, called as a witness, having  
11 been duly sworn or affirmed, testified as follows:  
12 DIRECT EXAMINATION  
13 BY MR. GRYSKEWICZ:  
14 Q Have you ever been deposed before, Detective  
15 Havens?  
16 A We went through this. I think maybe, but --  
17 Q Okay.  
18 A -- it's been a long time.  
19 Q I just always give you like some  
20 instructions. I'm sure Attorney White already gave  
21 them to you. If you don't understand a question I  
22 ask, tell me, I can rephrase it. I'm going to give  
23 you the courtesy of not interrupting you and allowing  
24 you to fully answer my questions. If you could  
25 provide me with the same courtesy when I ask

1 questions. If you need a break or anything in any  
2 point, just let us know. Other than that, do you have  
3 any questions?

4 A Nope.

5 Q Okay. Could you state and spell your name  
6 for the record for us?

7 A Tyson Havens. H-A-V-E-N-S.

8 Q Where are you currently employed?

9 A The Lycoming County Narcotics Enforcement  
10 Unit.

11 Q And you would agree that's referred to  
12 oftentimes as the NEU?

13 A Yes.

14 Q And you can feel free to refer to it as the  
15 NEU throughout your testimony. How old are you right  
16 now?

17 A 51.

18 Q How were you employed on October 1st of 2020?

19 A With the NEU.

20 Q How long have you been a police officer, as  
21 you sit here today?

22 A Thirty years.

23 Q And what's your rank with the NEU today?

24 A Detective.

25 Q And what was your rank with the NEU in

1 October of 2020?

2 A Detective.

3 Q And when did you obtain the rank of detective  
4 with the NEU?

5 A Upon hire in 2018.

6 Q Who was your supervisor in October of 2020  
7 with the NEU?

8 A Josh Bell and Mike Simpler.

9 Q Did you have any subordinates at the NEU in  
10 October of 2020?

11 A No.

12 Q Can you describe how you would involve a  
13 local police department, such as Old Lycoming  
14 Township, in an NEU investigation typically?

15 A Oftentimes when we conduct investigations in  
16 an area where there is a local police department who  
17 might have interest in what we're doing, we involve  
18 them. And sometimes they choose to come out and  
19 assist, sometimes they don't.

20 In a case where we are going to potentially  
21 do a buy bust or a search warrant or something like  
22 that and we're looking for manpower, we'll oftentimes  
23 go to the local police department first, since it's in  
24 their area, and say do you want to send anybody with  
25 us. And in this particular case, Old Lycoming was

1 interested in what we were doing and wanted to assist.

2 Q Okay. And when you do involve the local  
3 police department, do they ever conduct the  
4 investigation with you or is it more of a you need  
5 extra manpower?

6 A It's more we need extra manpower.

7 Q Was Joshua Bell a full-time member of the NEU  
8 in October of 2020?

9 A Yes. As I recall it, then he was the  
10 coordinator. He was a member of Williamsport City  
11 Police Department.

12 Q Um-hum.

13 A Detached from them and attached to us.

14 Q Um-hum.

15 A As the coordinator, essentially he was in  
16 charge of the narcotics side of the house.

17 Q Okay. And what were your normal duties as a  
18 detective with the NEU in 2020?

19 A Drug investigations. Running informants. We  
20 got -- we get involved in just about anything the  
21 District Attorney's Office wants us to get involved  
22 in. Homicides, gun related cases, high risk warrant  
23 services. A whole slew of things, but the majority of  
24 what we do for -- on a day-to-day basis is drug  
25 investigations.

1 Q Okay. I'm going to direct your attention to  
2 April 15th of 2020. According to a report I read from  
3 Detective Anderson, you were involved in a controlled  
4 buy on that date wherein Matthew Sumpter sold eight  
5 suspected Gabapentin pills and three suspected  
6 Suboxone pills to a confidential informant. Do you  
7 remember being involved in that controlled buy?

8 A No. And I believe that in that case, my  
9 name's listed at the top --

10 Q Um-hum.

11 A -- but I don't recall being part of that. I  
12 reviewed that report, and I didn't see that I had any  
13 involvement in it.

14 Q That is correct. Would it be this -- I'll  
15 show it to you. I only brought a copy to refresh your  
16 recollection -- the report dated April 15th, 2020?

17 A Yes.

18 Q And you're referring to the top portion of  
19 that report where it says your name, Havens there?

20 A Law enforcement personnel involved, and I'm  
21 listed as one of the law enforcement personnel  
22 involved.

23 Q You don't have any independent recollection  
24 of that date?

25 A No. And you should know that when we -- when

1 we prepared these old style reports, at least when I  
 2 do, I go to the last report, pull it up and then I  
 3 change all the blocks and make it fit for my new  
 4 report.  
 5 Q Um-hum.  
 6 A So it's -- I'm guilty of it. It's not  
 7 uncommon that we don't change the --  
 8 Q Okay.  
 9 A -- the names of the people involved at the  
 10 top.  
 11 Q So it could be -- I guess let me ask you  
 12 this. Do you just not remember being involved in it  
 13 or are you saying you weren't involved in it at all on  
 14 April 15th?  
 15 A I'm saying I don't remember being involved in  
 16 it, and I reviewed the report and it didn't refresh my  
 17 recollection --  
 18 Q Okay.  
 19 A -- so I don't believe I was involved in it.  
 20 Q Okay. On September 23rd, 2020, Detective  
 21 Dent interviewed a confidential informant that  
 22 provided him with information about Matthew Sumpter  
 23 that was then used for a search warrant of Matthew  
 24 Sumpter's house the next day. Were you involved in  
 25 that interview of the confidential informant with

1 Detective Dent at all on September 23rd?  
 2 A No.  
 3 Q Then on September 24th of 2020, there was a  
 4 search warrant served at Matthew Sumpter's house at  
 5 416 Brentwood Drive. Were you involved in that  
 6 search?  
 7 A Yes.  
 8 Q Did you have any involvement in drafting the  
 9 search warrant application for 416 Brentwood Drive for  
 10 that day?  
 11 A No.  
 12 Q Could you tell us what your role was in the  
 13 search then on September 24th, 2020?  
 14 A Executing the search warrant. I think  
 15 detaining him. I remember making entry into the  
 16 house. I assisted in the search. I don't know  
 17 whether I found any of the pertinent items that were  
 18 found or not. It would be documented on the search  
 19 warrant inventory receipt with my -- with 512 beside  
 20 it if I actually found any of the pertinent items.  
 21 Q Did you have any involvement in the interview  
 22 of Matthew Sumpter on September 24th, 2020?  
 23 A Not to my recollection.  
 24 Q Okay. Would you agree with me that it's  
 25 common practice of the NEU to run a criminal

1 background check of the person whose house they intend  
 2 to search?  
 3 A Usually.  
 4 Q Do you recall reviewing Mr. Sumpter's  
 5 criminal background before searching his house on  
 6 September 24th?  
 7 A No.  
 8 Q Prior to September 24th, do you recall having  
 9 any interactions with Mr. Sumpter?  
 10 A No.  
 11 Q To the best of your recollection, did the  
 12 police have any concerns for their safety out of the  
 13 normal when they were going to search Sumpter's house  
 14 on September 24th?  
 15 A We did not.  
 16 Q If you found a burglary conviction on  
 17 somebody's criminal record, prior to serving a search  
 18 warrant on their house, would that give you any  
 19 concern for your safety in serving that search  
 20 warrant?  
 21 A No.  
 22 Q Do you recall what police officers were  
 23 involved at the search of 416 Brentwood Drive on  
 24 September 24th?  
 25 A I do not.

1 Q You said you recalled you might have detained  
 2 Sumpter with Detective Dent during that search?  
 3 A It -- I don't want to mislead you.  
 4 Q Um-hum.  
 5 A I feel like I did, but I can't be certain.  
 6 Q Okay. Did Detective Dent ever inform you of  
 7 what Mr. Sumpter told him when he interviewed him?  
 8 A Not directly, I don't believe.  
 9 Q Okay. So -- and definitely not on September  
 10 24th, you would think?  
 11 A September 24th, is that the date of the --  
 12 Q That's the date that you and other served the  
 13 search warrant on Mr. Sumpter's house.  
 14 A We may have talked about it.  
 15 Q Um-hum.  
 16 A You know, we sit down at a table afterward  
 17 and you have lunch and whatever. I'm sure we talked  
 18 about it. But as far as me being officially briefed  
 19 on what he said, there would be no reason for me to be  
 20 officially briefed.  
 21 Q Understood. So outside of some like  
 22 unofficial just small talk conversation, there  
 23 wouldn't have been any like briefing on September  
 24 24th, 2020 about it?  
 25 A No, it just be basically keeping everybody in

1 the loop. 13

2 Q Okay. Do you know what was seized from

3 Matthew Sumpter's house on September 24th?

4 A Not without looking at the report.

5 Q Okay.

6 A That page right there.

7 Q I will -- you say it would refresh your

8 recollection if I showed you the report?

9 A Um-hum.

10 Q Feel free to page through it. Let me know

11 when you're done.

12 A Do you want me to read off the inventory

13 receipt to tell you what we seized?

14 Q You don't have to read off of it, sir. Just

15 take a look through it, let me know if that refreshes

16 your recollection at all.

17 A Yes.

18 Q And you said your number you would have wrote

19 next to any of those items would have been 512?

20 A Correct.

21 Q So my look at this, it looks like 515 is the

22 one who seized all the items. Would you agree with

23 that?

24 A I do.

25 Q Okay. So you wouldn't have seized any of the

1 items from Mr. Sumpter's house? 14

2 A No, sir.

3 Q Would you have been aware that they seized

4 Fentanyl from the house?

5 A Yes.

6 Q From the reports it appeared that there was

7 roughly three grams of Fentanyl in total confiscated

8 from Mr. Sumpter's house. In your experience as a

9 police officer, is three grams of Fentanyl a

10 distribution quantity of Fentanyl?

11 A You can't call something a distribution

12 quantity without more details. Just -- because when

13 it comes to having a certain amount, where your -- if

14 you have a lot of money, per se, you may have personal

15 use amount that's far more than my personal use amount

16 if I'm -- if I live in low income housing and I don't

17 have a job and I have to steal every day to get my

18 Fentanyl. If your family takes care of you, you may

19 be able to have more.

20 Q Okay.

21 A It depends on who the person is that's in

22 possession of the three grams, and there's so many

23 other factors that come into play. I couldn't say

24 whether it's distribution or not, based on three

25 grams.

1 Q Okay. And would you determine three grams to 15

2 be a large quantity of Fentanyl or a small quantity of

3 Fentanyl?

4 A Neither.

5 Q Neither. Somewhere in between?

6 A Yes.

7 Q Would you agree with me that no human could

8 ingest three grams of Fentanyl in one day and live?

9 MR. WHITE: Objection to form.

10 MR. KOZLOWSKI: Same.

11 THE WITNESS: Not necessarily. Oftentimes

12 Fentanyl is cut as much as ten times, ten to one. If

13 it's cut really, really hard you probably -- it

14 depends on your level, but it's possible, I guess. I

15 wouldn't want to try it.

16 BY MR. GRYSKEWICZ:

17 Q But it would depend on the actual, I guess,

18 drug seized and the person that took them?

19 A Yes, and how -- how much the drugs were cut.

20 Q Okay. Did you know that Sumpter was involved

21 in selling Fentanyl after searching the house on

22 September 24th, 2020?

23 MR. WHITE: Objection to form. You can

24 answer.

25 THE WITNESS: I don't know that.

1 BY MR. GRYSKEWICZ: 16

2 Q Okay. So I -- did you know Anthony Barasky

3 prior to September 24th, 2020?

4 A Yes.

5 Q Could you tell us how you knew Anthony?

6 A I met Anthony in 2007 when I attempted to

7 traffic stop him and he fled from me. And ultimately

8 I traffic stopped him and had contact with him, and

9 arrested him for the traffic violations, and he was in

10 possession of marihuana and a large amount of cash.

11 Q And that would have been when Mr. Barasky was

12 a juvenile?

13 A Yes.

14 Q And I believe we saw -- I saw a report from

15 that where you discovered the marihuana under the

16 driver's seat of the police vehicle in that case --

17 A Yes.

18 Q -- after Anthony was transported in the back

19 seat?

20 A Yes.

21 Q After 2007, when's the next time you had

22 contact with Anthony Barasky?

23 A I'm -- I'm confident I had contact with

24 Anthony Barasky on and off after 2007 as well. I just

25 wasn't an arresting officer in any of his cases.

1 Q Um-hum. 17

2 A But the next time I had contact with him

3 where I arrested him was 2016.

4 Q And what happened in 2016 when you arrested

5 him?

6 A I was working criminal interdiction, like

7 crime suppression, full uniform in a marked state

8 police vehicle. I was on High Street facing west at

9 Campbell, and Mr. Barasky was at the stop light at

10 Campbell facing me, and I saw it was Mr. Barasky. And

11 he was in a vehicle with heavy window tint. Having

12 probable cause to stop the vehicle, I attempted to

13 stop the vehicle as Barasky went north on Campbell.

14 Q Um-hum.

15 A I went north on Campbell behind it. And as

16 soon as I got behind him, he took off. He -- he

17 accelerated. He turned west on Louisa and he

18 proceeded to travel at speeds easily in excess of 80

19 miles an hour and he went through every stop sign the

20 whole length of Louisa. And somewhere around the area

21 of Fifth or Sixth he actually went airborne.

22 Q Um-hum.

23 A We did not -- my partner and I at the time

24 did not pursue. We might have went two or three

25 blocks, but it was too dangerous to even pursue him at

1 that point because he wasn't -- he was blowing stop 18

2 signs.

3 We radioed out who he was, what he was

4 driving and to be looking for him, but -- and we

5 continued to go in the direction where he fled. If

6 you follow Louisa all the way to Cemetery, you can

7 either go north or south. We went north on Cemetery

8 on a whim, just to see.

9 Q Um-hum.

10 A That takes you up to Wildwood Cemetery. And

11 when we got to Wildwood Cemetery, there were some

12 workers at the intersection of Cemetery and Wildwood,

13 and they were just saying he went that way.

14 Q Um-hum.

15 A So we continued north on Cemetery to Blooming

16 Grove, and there was somebody at Blooming Grove that

17 said their car just went flying up Blooming Grove, so

18 we wen north on Blooming Grove. When we got to the

19 area of Northway Extension, I could literally see yaw

20 marks in the road where --

21 Q I don't mean to interrupt you. What do you

22 mean by yaw marks?

23 A When a car slides sideways like this, it

24 leaves like striations. Like instead of like a skid

25 mark that's the width of the tire, when the tire

1 slides sideways when it goes around a turn, it 19

2 leaves -- it -- instead of the width of the tire, it

3 stretches that out.

4 Q Okay.

5 A So I could clearly see somebody recently came

6 off of Blooming Grove and put yaw marks on Northway

7 Extension. Now, mind you, we don't even see him at

8 this point. We're not following him, we're not --

9 we're not chasing him. Our lights are not even on.

10 I radioed ahead. And knowing that Northway

11 Extension comes out at Northway Road, I radioed ahead

12 to another unit that was in the Northway Road area to

13 say, be on the lookout for this vehicle. And within

14 second of that -- that trooper's name is Tyler Morris,

15 he was calling out the pursuit as well. He was now

16 chasing Barasky. Barasky went south on Northway Road.

17 Mind you, this is around noon.

18 Q Um-hum.

19 A Blew a red light across Four Mile Drive, at

20 which time Corporal Morris terminated the pursuit

21 because it was too dangerous, but he continued to go

22 in that direction.

23 When he got to Homewood Ave, there were

24 firefighters at the fire station saying the car went

25 this way on Homewood. Trooper Morris went east on

1 Homewood and ultimately found Barasky's vehicle 20

2 crashed through the block wall of Kmart. The vehicle

3 was -- half of the vehicle was through the wall and

4 Barasky was no longer in it.

5 Witness testimony led us to where Barasky had

6 fled and his flight path. There were multiple bags of

7 heroin found in the flight path stamped with the name

8 purge and a firearm in blue.

9 Q And the firearm in blue, that was the stamp

10 on the bag, not an actual firearm?

11 A Correct.

12 Q Okay. Sorry. Go ahead.

13 A Ultimately we captured Barasky near

14 Westminster Boulevard jumping a fence by Willard's

15 Leather Store.

16 Q Um-hum.

17 A And I arrested him for that. The vehicle was

18 towed from the scene. I got a search warrant for the

19 vehicle. Hidden in the dashboard in a natural void I

20 found a block of heroin, double sealed. We call it

21 double sealed when it's in a plastic bag. Each

22 individual bag is in a -- in a blue glassine bag and

23 then double sealed in a plastic bag.

24 Q Um-hum.

25 A They were double sealed bags stamped purge

21

1 with a -- with a blue firearm stamp, exactly the same  
 2 as the bags found in his flight path, and I charged  
 3 him with that.

4 Q Okay. And to the best of your knowledge, was  
 5 Anthony convicted of crimes for that offense?

6 A He was.

7 Q Was he sentenced to state prison for that?

8 A As far as I know.

9 Q After 2016 when you arrested Anthony for  
 10 that, did you have any other contact with Anthony?

11 A I'm trying to think of the date. I think it  
 12 was -- I think the next time probably was this.

13 Q This, I would represent to you, happened on  
 14 October 2nd, 2020. Does that sound like --

15 A Yeah.

16 Q -- the last time you had contact with him  
 17 then?

18 A Yeah, it would be this.

19 Q Okay. In discovery we were given some text  
 20 messages from Matthew Sumpter's phone between Matthew  
 21 Sumpter and allegedly Anthony Barasky. Did you ever  
 22 review any of those text messages?

23 A No.

24 Q Did Detective Dent ever relay to you what the  
 25 contents of those messages were?

22

1 A No.

2 Q Take you to October 2nd of 2020, then.  
 3 Between September 24th of 2020, until October 2nd of  
 4 2020, did you personally have any contact with Matthew  
 5 Sumpter?

6 A No.

7 Q Do you know if Detective Dent had any contact  
 8 with Matthew Sumpter between September 24th and  
 9 October 2nd?

10 A I don't know.

11 Q And how did you become aware that Detective  
 12 Dent was planning an operation to arrest Barasky using  
 13 Sumpter as an informant on October 2nd, 2020?

14 MR. WHITE: Objection to form. You can  
 15 answer.

16 THE WITNESS: I -- we were part of it. We  
 17 were -- oftentimes when we go out to do jobs, we go as  
 18 an entire unit. And although we don't sit down at a  
 19 table and brief every time, we do say this is --  
 20 whoever's running the operation usually says this is  
 21 what we're doing, this is what I'd like for you to do,  
 22 and that's how we do it.

23 BY MR. GRYSKEWICZ:

24 Q I know Captain Josh Bell described for us a  
 25 meeting that would have happened at the NEU office

23

1 prior to the meeting at the Old Lycoming Township  
 2 Police Department. Do you recall that meeting at the  
 3 NEU?

4 A Not really, but is that -- I'm assuming  
 5 that's the meeting to go out to grab Sumpter.

6 Q Well, I think from what's been described to  
 7 me so far, there is two meetings. There was one at  
 8 the NEU with just the NEU officers like yourself, and  
 9 then there was one at the Old Lycoming Township police  
 10 station and that involved the local police as well.

11 A I'd only be speculating if I told you what  
 12 happened at the NEU.

13 Q So you just don't remember that meeting, you  
 14 don't have an independent recollection of it?

15 A I do not.

16 Q Okay. Do you recall that meeting at the Old  
 17 Lycoming Township Police Department?

18 A Yes.

19 Q Okay. Could you tell us what occurred at  
 20 that meeting at the Old Lycoming Township Police  
 21 Department?

22 A We had learned through Detective Dent that  
 23 Sumpter had arranged for a heroin delivery with  
 24 Anthony Barasky, and that Anthony Barasky was going to  
 25 be delivering heroin to Sumpter's residence in the

24

1 development -- I don't know the name of the  
 2 development, but it's on Miller Road. Because of my  
 3 past experience with Barasky and others that were  
 4 there that were familiar with Barasky, knowing his  
 5 propensity to flee, we had fear that if he got into  
 6 the neighborhood -- could I use your map?

7 Q Yeah, I was going to present it to you,  
 8 honestly, later in the -- I would just -- I'm going to  
 9 use your map. I think it's better, Attorney White.  
 10 That would just be identified as Plaintiff's Exhibit  
 11 1.

12 (Whereupon, a document was produced and  
 13 marked as Plaintiff's Exhibit No. 1 for  
 14 identification.)

15 THE WITNESS: Our fear was that when Barasky  
 16 went on Miller Road and then turned into the  
 17 development, this Brentwood Road development, if we  
 18 were to allow the heroin transaction to take place,  
 19 and then -- because that's the normal way we do a buy  
 20 bust. We let the transaction take place, and as the  
 21 person's driving away, we attempt to stop them.

22 BY MR. GRYSKEWICZ:

23 Q Um-hum.

24 A We felt that if we let him get into this  
 25 residential neighborhood and we attempted to stop him



1 and he fled, there was a good chance that he could  
2 crash into someone's house or harm somebody, and we  
3 felt that we couldn't let that happen.

4 Q Um-hum.

5 A So rather than do the buy bust like we  
6 normally would because of who we're dealing with, the  
7 meeting was to try to figure out how to best take  
8 Barasky into custody prior to the heroin transaction  
9 and arrest him for that.

10 Q Okay. So at the meeting you would have  
11 discussed, you know, we don't want him to go into this  
12 development, we want to arrest him prior?

13 A So at the meeting we would have discussed  
14 where we're going to attempt to stop him --

15 Q Um-hum.

16 A -- to minimize his ability to flee.

17 Q Um-hum.

18 A Who was going to stop him. Where the  
19 undercover units were going to be stationed along the  
20 way to spot him as he got there, and what roads we're  
21 going to have officers on to make sure that if he did  
22 somehow flee, that we could box him in that no  
23 civilian gets harmed in the process.

24 Q Okay. What officers were at that meeting at  
25 the Old Lycoming Township Police Department?

1 A Bell was there, Gardner, Kriner. There were  
2 more -- there are plenty of --

3 Q Do you remember if Chief Joseph Hope was  
4 there?

5 A I believe so, yeah.

6 Q What about Detective Dent?

7 A I feel like Detective Dent was waiting with  
8 Sumpter.

9 Q Okay. I'm going to give you my pen. Could  
10 you mark on that map where you were sitting when you  
11 were waiting for Anthony Barasky to come? Just put  
12 like a circle and an H where you were sitting.

13 A I'm not 100 percent sure, but in this general  
14 area at the base of Eckard Road and Lycoming Creek  
15 Road.

16 Q Okay.

17 A I was somewhere -- somewhere in there.

18 Q Could you put an H in the middle that circle  
19 for me?

20 A Yeah. (Witness complied.)

21 Q And then do you -- who was supposed to, as  
22 part of the plan, actually stop Anthony Barasky's  
23 vehicle?

24 A Not sure which person it was, but we had two  
25 unmarked police unit with lights and sirens --

1 Q Um-hum.

2 A -- it was going to be their job. And we  
3 might even had more than two. And some of them were  
4 in this area over here on the -- on the northwest side  
5 of Eckard Road, just -- just to the east of Lycoming  
6 Creek Road.

7 Q Could you put a circle in that area for me?

8 A (Witness complied.) And then we had units on  
9 Miller Road. When you turn off of Eckard Road onto  
10 Miller Road, there's a small bridge. And my  
11 recollection is the bridge is somewhere right near  
12 Eckard Road. I'll put a little mark like that.

13 Q Okay.

14 A We had a unit on the east side of the bridge  
15 on Miller Road to make sure that if Barasky fled, that  
16 he could not get into the development. And then we  
17 had a unit on the north side of -- or we had a unit on  
18 Eckard Road just north of Miller Road so that if for  
19 some reason Barasky could get turned around in here,  
20 he couldn't flee north on Eckard Road. And obviously  
21 once Barasky committed to Eckard Road, there were a  
22 number of units -- I think there were probably four or  
23 five of us, following him up Eckard Road until he  
24 committed to Miller Road.

25 Q Okay. And you say you don't remember which

1 specific officers were stationed where?

2 A No, I do not.

3 Q Okay. Did you personally see or meet Matthew  
4 Sumpter at all on October 2nd?

5 A I don't recall.

6 Q Were you present when Sumpter made any of the  
7 phone calls or text messages to who he alleged was  
8 Anthony Barasky?

9 A I don't recall.

10 Q How was it decided what role you would play  
11 in arresting Anthony Barasky on October 2nd?

12 A As these things play out and we -- we all  
13 talk them through, we often choose who does what.  
14 Like I probably said I will do this.

15 Q Okay.

16 A So Bell was the coordinator, but in our unit  
17 the coordinator doesn't necessarily say you're doing  
18 this and you're doing that and you're doing this.  
19 Oftentimes we'll -- I'll say, I got this part.

20 Q Um-hum.

21 A Somebody else will say, I got this part, and  
22 we put it all together that way. There's jobs that  
23 are put out there, guys will say, I'll take this job,  
24 I'll take this job, I'll take that job.

25 Q So it's more of a collaborative effort?



29

1 A It's definitely a collaborative effort.  
 2 Q Okay. And would you -- and that -- is this  
 3 collaborative effort confined to just the NEU officers  
 4 or would it also include the Old Lycoming Township  
 5 officers?

6 A No, it would include them, too.

7 Q Okay. And would you rely on Old Lycoming  
 8 Township's expertise in the local area where they're  
 9 from?

10 A Expertise in what?

11 Q The geography of the area.

12 A I don't think that really came into play.

13 Q Okay. Do you recall if Detective Dent might  
 14 have been on the phone relaying any information or  
 15 instructions to the individuals at the meeting at the  
 16 Old Lycoming Township Police Department?

17 A That's my recollection, yes.

18 Q And then when -- I guess you all eventually  
 19 left the Old Lycoming Township Police Department to  
 20 take your positions?

21 A Yes.

22 Q How were you in communication with each other  
 23 at that point?

24 A Police radio.

25 Q Okay. Was Detective Dent also included on

30

1 that police radio?

2 A Yes.

3 Q So would Detective Dent have been relaying  
 4 what he was learning from the text messages or Mr.  
 5 Sumpter?

6 A Yes.

7 Q Now, do you remember if you were the first  
 8 officer to spot Anthony Barasky coming to that area  
 9 that day?

10 A I don't recall if I was or not.

11 Q Could you tell us what happened when the  
 12 traffic stop was initiated on Anthony's vehicle?

13 A I observed Anthony traveling west on Lycoming  
 14 Creek Road and I -- obviously I called it out. And  
 15 Anthony turned north on Eckard Road. I followed, but  
 16 I gave enough space for the unmarked police vehicles  
 17 to get in front of me. Those vehicles came out of the  
 18 area that I described on Exhibit 1 and started to  
 19 follow Barasky north on Eckard Road. The plan was to  
 20 traffic stop -- to wait until Barasky committed to  
 21 Miller Road and was committed to crossing the bridge  
 22 to initiate the traffic stop on him.

23 So I followed him north on Eckard Road  
 24 possibly two or three cars back. And when he got to  
 25 Miller Road, he turned east. And as he went to cross

31

1 the bridge, the marked cars activated their lights.  
 2 And as I recall it, the cars that were on the other  
 3 side of the bridge moved in. The cars to the north  
 4 moved in. I parked as close as I could. I got out of  
 5 the car as a hands free guy, and we proceeded to take  
 6 Mr. Barasky out of the vehicle and place him under  
 7 arrest.

8 Q Could you put the map back in front of you,  
 9 sir. Could you mark on that map where the traffic  
 10 stop of Anthony's vehicle occurred? Where the vehicle  
 11 actually stopped, I should say.

12 A To the best of my recollection --

13 Q Um-hum.

14 A And it depends on where the bridge is in  
 15 here, but it's really close to Eckard Road. So I'm  
 16 just going to make a big circle.

17 Q Okay. Do you remember if Anthony's vehicle  
 18 actually turned onto Miller Road or if it was on  
 19 Eckard Road when it stopped?

20 A No, it turned onto Miller Road. We wanted --  
 21 we wanted to make sure that Anthony was heading to  
 22 Sumpter's house.

23 Q Um-hum.

24 A If Anthony would have went north, we would  
 25 have let him go.

32

1 Q Okay. And you would agree if he went north,  
 2 you wouldn't have known if he was going to Mr.  
 3 Sumpter's house?

4 A He couldn't have gone to Mr. Sumpter's house  
 5 if he went north. If he went north, then we'd have to  
 6 think that he's going either to do another drug  
 7 delivery or he's going to collect the drugs before he  
 8 goes to Sumpter's house.

9 Q Okay. Now, you said you got out of your  
 10 vehicle as the hands free officer. Could you tell us  
 11 what that means?

12 A It just means that if other officers go to a  
 13 firearm, they can give verbal commands to somebody and  
 14 they're -- you need to have somebody that doesn't have  
 15 a firearm in their hand to place handcuffs or use  
 16 hands to detain and arrest a person.

17 Q Okay. So when you got out of your car, did  
 18 the other officers have their firearms drawn?

19 A I don't recall if they did or they did not.

20 Q Do you recall if they were shouting commands  
 21 at Barasky to get out or anything else?

22 A I know they were shouting commands.

23 Q And then what did you do at that point?

24 A I opened up Mr. Barasky's car door and I  
 25 removed him from the vehicle and I placed him under

1 arrest, and I advised him of his Miranda rights.

2 Q Was the door unlocked and you opened it or

3 did Anthony open it?

4 A I don't recall.

5 Q Do you recall anybody trying to smash a

6 window on Mr. Barasky's car?

7 A No.

8 Q Did Barasky resist you at all when you were

9 placing him in handcuffs?

10 A He did not.

11 Q Did Barasky say anything to you when you were

12 arresting him?

13 A I think he invoked his right to have an

14 attorney, I believe.

15 Q Okay. And then at that point did you not ask

16 him questions?

17 A I passed him off. He was -- he was passed

18 off to somebody in a police vehicle and they

19 transported him away.

20 Q Do you recall who you passed him off to?

21 A I do not.

22 Q And do you recall if he would have been

23 placed in a NEU vehicle or an Old Lycoming Township

24 police vehicle?

25 A I don't know that, either. NEU has -- we

1 A But I can tell you that I confirmed that it

2 was him before we all jumped out on the car and

3 started following it north on Eckard Road.

4 Q And then the set plan, once you were

5 following him, was to stop him once he got to the

6 correct point on Miller Road?

7 A We wanted him to commit to Miller Road

8 because he would have no other reason to go into that

9 development other than to meet with Sumpter.

10 Q Do you recall Chief Hope ever calling out

11 over the radio that he didn't think Barasky was going

12 to stop for him?

13 A I don't.

14 Q And you said you would have been behind the

15 two other vehicles when the traffic stop was

16 initiated?

17 A Yes.

18 Q So if there is a line of cars, it would have

19 been Barasky, one police vehicle, another police

20 vehicle and then yours?

21 A Well, as we're driving north on Eckard Road,

22 that's -- that would've been the lineup.

23 Q Um-hum.

24 A But once the traffic stop -- once the lights

25 lit up, more than likely I would have driven out

1 have unmarked police vehicles, too, and it's likely

2 that we had one of ours there as well.

3 Q Do you recall what parts the other officers

4 would have taken in arresting Anthony Barasky?

5 A As far as what?

6 Q Like, for example, do you know if Joshua Bell

7 pointed his firearm at Anthony or anything like that?

8 A I don't have any recollection of firearms

9 being pointed.

10 Q Okay. How long do you believe you waited at

11 your staging point on Lycoming Creek Road before you

12 saw Barasky in his vehicle?

13 A It's tough to say. It's been a long time.

14 20 minutes.

15 Q Okay.

16 A It wasn't long.

17 Q How did you know it was Barasky driving the

18 vehicle?

19 A Well, I know him.

20 Q So it's just you saw his actual face and

21 that's how you identified him?

22 A I definitely saw his face and identified him

23 that way. Is it possible that we were given

24 information what he might be driving? Yes.

25 Q Okay.

1 around and positioned my car as close to the traffic

2 stop as possible.

3 Q Okay. And that would have been to block

4 Barasky in so he couldn't leave?

5 A For anything that I might need to be close

6 for.

7 Q Did you search Barasky's person at all when

8 you arrested him?

9 A I don't recall.

10 Q Were you informed that no drugs were found on

11 Barasky's person on October 2nd, 2020?

12 A At some point I was, yes.

13 Q Did you know that Officer Bell called ahead

14 to the Lycoming County Prison to make sure Barasky was

15 placed in a dry cell?

16 A I did.

17 Q Did you have any involvement in that

18 discussion?

19 A I don't recall if I did or not.

20 Q Did you or any of the other NEU officers have

21 any theories for why no drugs were found on Anthony

22 Barasky?

23 A Sure.

24 Q What were they?

25 A Could have been a number of things. In the

1 case in 2016, had I not observed a piece of plastic  
 2 loose on the dashboard of the car and a tool laying in  
 3 the back of his car, I may have never found the nearly  
 4 200 bags of heroin that was concealed in the dash.  
 5 That's 2016. That was four years before this  
 6 happened.

7 Q Um-hum.

8 A He could have upped his game. I know  
 9 there's -- I don't know if you ever heard the term  
 10 trap, vehicles are trapped out.

11 Q I'd like you to explain that term to us, sir.

12 A You can take a vehicle to a shop that can put  
 13 a hydraulic trap in a car, and if they're  
 14 professionals at it, it's very difficult for you to  
 15 discover where that trap is. And a trap is a hidden  
 16 box that's operated by a hydraulic pump.

17 And for instance, one that I found was  
 18 mounted in the upholstery in a seat -- in the driver's  
 19 seat, and when you -- we never found out -- we never  
 20 figured out how to operate it. It was a series of  
 21 buttons on the dash. Like you turn the light on, you  
 22 turn the radio on and you hit this button, and the  
 23 back of the seat will go (indicating) and open up and  
 24 there's a whole compartment in there.

25 Q Okay.

1 A The way I discovered it was I found some  
 2 wires and I cut the wires and I put power, positive  
 3 and negative to the wires, and then switched it and  
 4 then it opened.

5 Q Okay.

6 A If they're done really professionally, you  
 7 don't even see the wires. And then you also run into  
 8 these risks of how much of this car do I want to tear  
 9 apart and be liable for the damages to the car. So we  
 10 try our best to try to see if there's any of these  
 11 traps in the car, but I'm certain throughout the  
 12 course of my career I probably missed many, many,  
 13 many, many traps.

14 We looked for traps in that car. We didn't  
 15 find any traps. So a trap -- my first theory is he  
 16 had a good enough trap in that car that we never found  
 17 the dope.

18 Q Um-hum.

19 A And I should also state that if you're not  
 20 familiar with drug work, you might think, well, let's  
 21 put a drug dog in the car and the dog will show us  
 22 where the stuff is.

23 Q Um-hum.

24 A Not true at all. The dog's going to show you  
 25 that the stuff's in car. It's not going to tell you

1 where. Because when you turn on the ventilation, if  
 2 the trap's in the ventilation somewhere, the drug  
 3 scent is going to be throughout the car. The dog  
 4 might hit in the back window of the car, and yet the  
 5 drugs are up in the dashboard. So you can't use a dog  
 6 to pinpoint where the trap is.

7 Q Okay.

8 A Barasky could have changed his MO.

9 Q Um-hum.

10 A It's not uncommon for these drug dealers to  
 11 go to the drug buyer, collect the money, leave, go get  
 12 the drugs and bring them back. Now, I know in this  
 13 case, according to Sumpter -- and this is not --  
 14 Sumpter didn't tell me this. I know this by reading  
 15 Dent's report, that Sumpter said that he dealt with  
 16 Barasky approximately a hundred times and Barasky  
 17 always does it the same way. He drives to the house,  
 18 he meets him near the house, and Sumpter walks out of  
 19 the house and meets him on street and the transaction  
 20 happens.

21 That doesn't mean that we got unlucky in this  
 22 case and Barasky decided to do it different, and this  
 23 time he was going to go meet with Sumpter, collect the  
 24 money and go someplace to get it.

25 Q Um-hum.

1 A That's an option. The other option is when  
 2 he saw the two police cars -- this is quite a distance  
 3 from -- I say quite a distance. It's probably half a  
 4 mile or so, from Lycoming Creek Road to Miller Road.  
 5 Right when he turns onto Eckard Road, two unmarked  
 6 police cars get out behind him. Now, he's going to  
 7 know, having been involved with law enforcement since  
 8 at least 2007, he's going to know the cops are behind  
 9 me.

10 Now, according to everybody there, nobody saw  
 11 anything fly out the window, but it's -- it's -- it's  
 12 a possibility that he chucked it out the window. I  
 13 walked this whole section, along with other officers,  
 14 and I didn't see anything, but it's wooded. And three  
 15 grams of Fentanyl in a little bag, it's not very big.  
 16 We could have easily missed it.

17 Q How long did you spend walking the whole  
 18 section looking for any discarded drugs?

19 A Enough time to walk from Miller Road down to  
 20 the bottom and then turn around and walk back up.

21 Q Okay. So you didn't do multiple passes, it  
 22 was one pass on each side of the road, essentially?

23 A My recollection was I was on the -- I was on  
 24 the east side of Eckard Road and then somebody was on  
 25 the west side of Eckard Road.

1 Q Okay. 41

2 A And it might have been multiple -- might have

3 been four of us, but I know there was at least one on

4 one side and one on the other, and we walked all the

5 way down and we walked all the way back.

6 Q Okay.

7 A But again, you're talking this is a small

8 road. It's wooded. It's dirt on the sides. It's

9 vegetation on the sides. We -- and again, when we

10 walked this, we didn't know that Barasky didn't have

11 it tucked underneath his testicles or in his buttocks.

12 That's very common for drug dealers and you don't find

13 it until you strip search them.

14 Q Um-hum.

15 A We don't know that it's in the car.

16 Q Um-hum.

17 A So we did our search. We did our due

18 diligence to make sure it wasn't in there, and we

19 didn't see it.

20 Q Okay. I know that you described a search of

21 the vehicle some. Based on your experience with him

22 in 2016 and how well the drugs were hidden, would you

23 agree you did a more thorough search of the vehicle

24 you seized that day because of that?

25 A I'm sure we did, yes. But that doesn't --

1 that doesn't mean we're going to find it. I mean, 42

2 these -- I've gone to training with -- I think it was

3 a hid-a-training where they had some of these traps.

4 And quite frankly, you're not going to find them.

5 You -- you have to be lucky to see a mistake or to be

6 smart tough to recognize some -- a particular type of

7 tape that doesn't belong.

8 Q Um-hum.

9 A You know. That's why I say, I promise you

10 over the years I've probably missed more traps and

11 hidden compartments than I found.

12 Q Okay. After you handed off Barasky when he

13 was arrested on October 2nd, did you have any move

14 involvement with the investigation beyond that?

15 A I went back to city hall and I was at city

16 hall with Barasky's property, which included a

17 cellular telephone. And while I was there, Detective

18 Dent called the number that Sumpter said he spoke to

19 Barasky on, and I observed Barasky's phone ring with

20 Detective Dent's phone number on it.

21 Q And would Detective Bent have been on a

22 different phone speaking with you at that time when

23 you were doing it?

24 A Either he said over police radio -- and when

25 I say police radio, we use our phones for that, but he

1 might have said over -- we carry two phones. 43

2 Q Um-hum.

3 A One phone we talk police radio stuff, the

4 other phone we can make calls.

5 Q Okay.

6 A He probably said over the police radio, hey,

7 watch the -- we call it the buy phone.

8 Q Um-hum.

9 A Watch the buy phone, I'm going to call it. I

10 watched the buy phone and his number showed up on the

11 phone.

12 Q Okay. And you took a picture of that, in

13 fact, then, right?

14 A Yes.

15 Q After that phone call, did you have any other

16 involvement in the investigation?

17 A No.

18 Q Did you have any involvement in Barasky's

19 arraignment?

20 A No.

21 Q And you would agree you weren't present at

22 the preliminary hearing?

23 A I don't recall.

24 Q Now, you would agree with me as part drug

25 investigations, many times police will observe a drug

1 transaction that a confidential informant makes and 44

2 then arrest the drug dealer at a later time?

3 A Yes.

4 Q And even sometimes you don't arrest a drug

5 dealer until many months later?

6 A It works that way sometimes.

7 Q Why wasn't that type of option chosen for

8 Anthony Barasky in this case?

9 A I can only speculate that it had something to

10 do with Sumpter.

11 Q And I guess Detective Dent would be the

12 person to ask that?

13 A Yes.

14 Q In your experience as a police officer, how

15 many arrests have you made?

16 A I mean, it can be as many as 2,000.

17 Q And how many of those arrests would you

18 estimate are for drug crimes, understanding it's an

19 estimation?

20 A It's probably more than -- it's probably more

21 than 2,000. My drug arrests are probably 1,500 or

22 more. I've been part of the NEU for -- coming up on

23 six years now and we average 200, 250 a year.

24 Q Okay.

25 A So, I mean, it's a lot.

1 Q Okay. So I would assume you're familiar with  
2 criminal use of a communication facility charge under  
3 Section 7512 of the Crimes Code?  
4 A I am.  
5 Q Could you explain to us when you, as a police  
6 officer, would believe that charge should be filed  
7 against a person?  
8 A In this case where Barasky and Sumpter used  
9 telephones to arrange for a drug transaction, and then  
10 the drug transaction was agreed that it was going to  
11 occur on Brentwood Drive, when Barasky drove from  
12 wherever he drove from up the creek road, up Eckard  
13 Road and committed to Miller Road, he's essentially  
14 making a step to commit that violation, I believe that  
15 that charge was correctly charged and I disagree with  
16 Judge Butts' ruling in the case.  
17 Q Okay. In your career as a police officer,  
18 have you ever charged someone with criminal use of a  
19 communication facility and no other crime?  
20 A I have not.  
21 Q Have you ever charged someone with the  
22 attempted delivery of a controlled substance?  
23 A I have.  
24 Q And this would be different than just  
25 possession with intent to distribute, it would

1 actually be an attempted delivery?  
2 A Yes.  
3 Q Yes. Okay. And you have charged that?  
4 A Yes.  
5 Q Okay. How many times would you estimate you  
6 charged that, if you can?  
7 A I would have no idea.  
8 Q You've used confidential informants before in  
9 your career as a police officer, is that right?  
10 A Yes.  
11 Q What are you taught through your training and  
12 experience to use those informants that you must do to  
13 make sure the informant is reliable in a drug case?  
14 A You could establish reliability with an  
15 informant during the interview. If the informant has  
16 information that can be corroborated through other  
17 confidential informants, other police officers  
18 personally observed things, personal knowledge. But  
19 oftentimes we build their credibility through drug  
20 buys. Information that they provide us, where we go  
21 out and act on the information and we see what they  
22 say we're going to see or we seize what they say we're  
23 going to seize.  
24 Q Okay. And that might be a reason you have an  
25 informant do three or four buys before you actually

1 arrest a dealer?  
2 A Not necessarily. Three or four buys may be  
3 to establish where the dealer is coming and going  
4 from, establish their -- their -- the way they operate  
5 so that we can possibly get to where they -- their  
6 distribution point so we can seize their drugs and  
7 their proceeds.  
8 Q Okay. When you placed Anthony Barasky into  
9 handcuffs on October 2nd, 2020, what do you believe  
10 the probable cause was at that point to support your  
11 arrest?  
12 MR. WHITE: Objection to form. You can  
13 answer.  
14 THE WITNESS: Attempted delivery of a  
15 controlled substance, that substance being Fentanyl.  
16 BY MR. GRYSKEWICZ:  
17 Q And would you refer back, then, to your  
18 previous answer where you said the transaction was  
19 arranged to turn onto Miller Road, et cetera?  
20 A Yes.  
21 Q And I don't want to put words in your mouth.  
22 Is that previous answer you gave, I guess, the full  
23 listing of what you believe to be probable cause at  
24 the time?  
25 MR. WHITE: Same objection. You can answer.

1 THE WITNESS: I believe that when Anthony  
2 Barasky -- by Anthony Barasky agreeing to deliver the  
3 drugs to Sumpter, and the fact that Barasky committed  
4 to Miller Road, that that act in and of itself was the  
5 probable cause.  
6 BY MR. GRYSKEWICZ:  
7 Q Okay. So from your -- your opinion after no  
8 drugs were found in any of the searches, that would  
9 have no bearing on whether he committed the criminal  
10 use of a communication facility?  
11 MR. WHITE: Same objection. You can answer.  
12 THE WITNESS: No, I feel like the criminal  
13 use of a communication facility should have stood. I  
14 feel like that's -- it was charged properly in this  
15 case. I think that we could easily put Sumpter on the  
16 witness stand and say, what did -- have you ever  
17 bought from Barasky before? Yes, I have. What have  
18 you bought? Fentanyl. When you were calling Barasky  
19 on the phone, was there any doubt in your mind that  
20 you were going to be -- when you ordered three, that  
21 it was three grams of Fentanyl? No.  
22 So in this case we have a guy ordering  
23 Fentanyl on the phone. We got a guy saying he'll  
24 deliver the Fentanyl, and then we got a guy showing  
25 up.

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1 BY MR. GRYSKEWICZ:  
 2 Q Um-hum.  
 3 A I feel that's a solid case of criminal use of  
 4 a communication facility.  
 5 Q Okay.  
 6 A And again, I disagree with Judge Butts's  
 7 ruling.

8 Q Would you agree with me that the NEU has  
 9 regulations for using confidential informants and  
 10 sources?

11 A Yes.

12 Q Is there a difference between a confidential  
 13 informant and a confidential source?

14 A Yes.

15 Q Could you tell us what that is?

16 A Oftentimes a confidential source is somebody  
 17 that gives us information but does not take an active  
 18 role. So they may say, I was at so and so's house  
 19 last night and I saw such and such on the table.

20 Q Um-hum.

21 A If that confidential source has built  
 22 reliability with us, I'll put their information in a  
 23 search warrant and we'll go and serve a search warrant  
 24 on the house. That confidential source didn't  
 25 necessarily come in, get strip searched by us, receive

50

1 money from us, get transported to a place where the  
 2 confidential informant or source goes in and makes a  
 3 purchase, comes back out, gives us the drugs, gets  
 4 strip searched again and gets debriefed.

5 Q Um-hum.

6 A That's the role of a confidential informant.  
 7 Confidential source is more an informational role, and  
 8 they can arrange, for instance, for an undercover to  
 9 go meet somebody. But they don't take -- they don't  
 10 take the steps that a confidential informant might  
 11 take, where a confidential informant's going to do  
 12 everything. Or they'll take -- they'll take an  
 13 undercover with him and both will do everything.

14 Q Okay. And were you aware of Mr. Sumpter's  
 15 criminal record before the -- Anthony Barasky's arrest  
 16 on October 2nd, 2020?

17 A No.

18 Q Were you aware that Mr. Sumpter never  
 19 provided information to law enforcement prior to  
 20 October 2nd, 2020?

21 A No.

22 Q Did you know Mr. Sumpter was using Fentanyl  
 23 on October 2nd, 2020? Actually, strike that. Do you  
 24 know that Mr. Sumpter was using some type of  
 25 intoxicant on October 2nd, 2020?

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1 A No, I never met with him so I wouldn't know.

2 Q Okay. Was your employment as a police  
 3 officer your only source of income in 2020?

4 A Yes.

5 Q What was your annual salary in 2020?

6 A This is a retirement job. I have no idea.

7 MR. GRYSKEWICZ: Okay. I don't have any  
 8 other questions. Thank you, Detective.

9 MS. LAUGLIN: I don't have any questions.

10 MR. KOZLOWSKI: I don't have any questions  
 11 for him.

#### 12 CROSS-EXAMINATION

13 BY MR. WHITE:

14 Q I might have just a couple, Detective Havens.  
 15 When you were -- you were testifying about how long it  
 16 took between something happening and you seeing Mr.  
 17 Barasky traveling. Do you know how -- what was the  
 18 event that occurred that that clock started ticking,  
 19 so to speak?

20 A That a phone call or a text message was made  
 21 that Barasky was on his way.

22 Q And so that -- that was communicated to you  
 23 from Detective Dent?

24 A Correct. Dent -- Detective Dent was with  
 25 Sumpter, and Sumpter was communicating with Barasky,

52

1 and Detective Dent was giving us the blow by blow as  
 2 it was happening. So we knew to be in our locations.  
 3 We -- and we knew when to start looking.

4 Q So that 20 minutes or so that you estimated,  
 5 that would be from the point that Detective Dent said  
 6 he's on his way and then to when you actually had a  
 7 visual on Barasky?

8 A Correct.

9 MR. WHITE: I don't have any further  
 10 questions.

11 MR. GRYSKEWICZ: I don't have any follow up.

12 MS. LAUGLIN: I don't have anything.

13 MR. WHITE: All right. You're done.

14 THE WITNESS: Thanks.

15 (Whereupon, the deposition was concluded at  
 16 12:44 p.m.)

1 COUNTY OF UNION :

2 COMMONWEALTH OF PENNSYLVANIA

3

4 I, Ervin S. Blank, the undersigned Notary  
5 Public, do hereby certify that personally appeared  
6 before me, TYSON HAVENS; the witness, being by me  
7 first duly sworn to testify the truth, the whole truth  
8 and nothing but the truth, in answer to the oral  
9 questions propounded to him by the attorneys for the  
10 respective parties, testified as set forth in the  
11 foregoing deposition.

12 I further certify that before the taking of  
13 said deposition, the above witness was duly sworn,  
14 that the questions and answers were taken down  
15 stenographically by the said Ervin S. Blank, Court  
16 Reporter, Lewisburg, Pennsylvania, approved and agreed  
17 to, and afterwards reduced to typewriting under the  
18 direction of the said Reporter.

19 In testimony whereof, I have hereunto  
20 subscribed my hand this 28th day of March, 2024.

21

22

23

Ervin S. Blank  
Reporter-Notary Public  
My Commission Expires  
January 28, 2025

24

25



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